

HOUSE JOINT RESOLUTION 679  
By Stamps

A RESOLUTION memorializing the U.S. Congress to propose an amendment to the United States Constitution relative to the terms of federal judges, and to submit such constitutional amendment to the states for proper ratification.

WHEREAS, the United States Constitution provides for the appointment of federal judges to "hold their offices during good behavior"; and

WHEREAS, this provision, although undoubtedly well intentioned, has resulted in a situation in which federal judges are certainly less than responsive to the current prevailing opinions of the American people and the dictates of common sense; and

WHEREAS, in a nation which prides itself on operating under the rule of law, nevertheless, those who interpret the law must remain aware of the will of the people and the practical effects of their decisions; and

WHEREAS, the United States of America is a law-abiding nation, but this tradition is based upon a respect for our judicial system, and our respect is not enhanced by arbitrary and capricious decisions that result in inefficient and oligarchic government; and

WHEREAS, federal judges have in many instances stopped interpreting the law and started legislating through the use of court orders to appropriate funds and supervise executive branch functions, and thereby have violated the doctrine of separation of powers, which they

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purport to be enforcing, by using such orders to expend money and to take over executive offices without regard to existing law; and

WHEREAS, our reverence for the proposition of certain inalienable rights for all Americans is most assuredly a by-product of our inherent faith in the equity and effectiveness of our judicial system, and this sacred trust must be maintained at all costs in order to ensure the health and prosperity of our great nation; and

WHEREAS, the members of the U.S. Senate are elected by the citizens of the several states, and thus in our constitutional republic, they are direct representatives of the will of the people; and

WHEREAS, just as the U.S. Constitution has deemed it appropriate for the U.S. Senate to confirm the President's appointments to federal judgeships, it is likewise appropriate that the U.S. Senate should play an active role in reappointing and reaffirming federal judges on a scheduled basis; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That this General Assembly does hereby most strongly urge the U.S. Congress to propose an amendment to the United States Constitution to require that each federal judge be reappointed and reaffirmed to his or her respective office by majority vote of the U.S. Senate every twelve (12) years, and to submit such amendment to the several states for ratification in accordance with Article 5 of the U.S. Constitution.

BE IT FURTHER RESOLVED, That the Chief Clerk of the House is directed to transmit enrolled copies of this resolution to the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; and to each member of Tennessee's Congressional delegation.